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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 KEVIN KEITHLEY, *et al.*,

No. C 03-4447 SI

9 Plaintiffs,

**ORDER DISMISSING DEFENDANTS'
COUNTERCLAIMS WITHOUT
PREJUDICE**

10 v.

11 HOMESTORE.COM, INC., *et al.*,

12 Defendants.
13 _____/

14 Pursuant to the agreement of the parties and Federal Rule of Civil Procedure 41, the Court
15 hereby DISMISSES WITHOUT PREJUDICE defendants' counterclaims. In the event of a remand from
16 the Federal Circuit, defendants may reinstate the counterclaims.
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18 **IT IS SO ORDERED.**
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20 Dated: March 2, 2009



21 SUSAN ILLSTON
22 United States District Judge
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